

Copy No 11

INSTRUCTIONS to Peter Robinson, Es-
quire, as Commissioner for the Sale
and Management of Crown Lands
in the Province of Upper Canada.

March 10th 1824.

R. STANTON, Printer.

Copied

Instructions from the Right Honorable the Lords Commissioners of His Majesty's Treasury, to Peter Robinson, Esquire, Commissioner for the Sale and Management of Crown Lands in the Province of Upper Canada.

WHEREAS His Majesty, by a Commission bearing date the Seventeenth day of July 1827, did nominate and appoint you the said Peter Robinson to the Office and trust of Commissioner for the Sale and management of Crown Lands in the Province of Upper Canada, and did strictly enjoin you to follow such Orders and Directions as you might from time to time receive from the Commissioners of His Majesty's Treasury, or from any one of His Majesty's Principal Secretaries of State, or from the Governor, or Officer Administering the Government of the Province of Upper Canada for the time being. Now WE, the Commissioners of His Majesty's Treasury, do hereby require and enjoin you to govern yourself in the execution of the Duties of your said Office by the following Instructions:—

THAT you do forthwith repair to Canada, and report your arrival to the Governor, or Officer Administering the Government, and lay before him His Majesty's Commission appointing you to the said Office, and these our Instructions for the guidance of your conduct in the execution of the Duties thereof.

THAT you do immediately upon your arrival enter into Security to the satisfaction of the Governor, or Officer Administering the Government, yourself in Five Thousand Pounds, and two Sureties in Two Thousand Five Hundred Pounds each, that you will diligently and faithfully perform the Duties of your said Office, and duly account for, and pay over, all monies which may come to your hands in the execution thereof.

THAT as soon as possible after your arrival you do proceed to ascertain the nature and particulars of all the Crown Property within the said Province under the following heads:—

Waste Lands in those Districts of the Colony which have not heretofore been Surveyed or laid out.

Waste Lands in those Districts of the Colony which have been Surveyed and laid out, but no part of which has been granted.

Ungranted Lands and Crown Reserve in those Districts where grants have been made.

Lands which have been granted in perpetuity upon payment of Quit or other Rents.

Lands and Reserve which have been granted upon Leases for series of years upon Reserved Rents or otherwise.

THAT you do make an Annual Report of the progress you may have made in ascertaining these particulars to Us, or to the Commissioners of the Treasury for the time being, and also to the Governor, or Officer Administering the Government of the Province of Upper Canada.

THAT no Lands or other Crown Reserve arising from Lands within the Province of Upper Canada, be hereafter disposed of or granted, except upon the following conditions:—

By actual Sale, or in cases of Poor Settlers by Grants, subject to Quit Rents in the manner hereafter directed:—

THAT you do from time to time, and at least once in every year, submit to the Governor, or Officer Administering the Government, a Report of the total quantity of each District of Crown Property, within each District, of the Reserve, so far as you may then have ascertained the same, together with your opinion of the quality of each description of property which it may be expedient to offer for Sale within the then ensuing year, and the upset price per Acre at which you would recommend the several descriptions of property to be offered, obtaining previously a Certificate from the Surveyor General of Woods and Forests within the Province, that the Land proposed to be offered by you does not contain any considerable quantity of valuable Timber fit for His Majesty's Navy, or for any other purposes, it being the intention that no grant of the Land upon which such Timber may be growing should be made until the Timber is clear.

THAT if the Governor, or Officer Administering the Government, should be pleased to sanction the Sale of the whole or any part of the Land recommended by you to be sold, at the upset price recommended by you, or at any other price which he may name, you will proceed to the Sale in the following manner:—

You will give Notice in the York Gazette and in such other Newspaper as may be circulating in the Province, as well as in any other manner that circumstances will admit of, of the time and

place appointed for Sale of the Lands in each District, and of the upset price at which the Lots are proposed to be offered; that the Lots will be Sold to the highest bidder, and if no offer should be made at the upset price, that the Lands will be reserved for future Sale in a similar manner by Auction.

THAT no Lot should contain more than 1,200 estimated Acres.—You will also state in the Notices of the conditions of the Sale, that the purchase money is to be paid by four instalments, without interest, the first instalment at the time of the Sale, and the second, third and fourth instalments at the intervals of a year.

THAT if the instalments are not regularly paid the deposit will be forfeited, and the Land again referred to Sale.

IN case purchasers of Land at any Sale, not exceeding 200 Acres, being unable to advance the purchase money by instalments as proposed, you may permit the purchaser to occupy the same upon a Quit Rent, equal to five per Cent upon the amount of the purchase money, one year's Quit Rent to be paid at the time of Sale in advance, and to be paid annually in advance afterwards; upon the failure of regular payment the Land is to be again referred to Auction and Sold; the Quit Rent upon Lands so purchased in this manner to be subject to redemption upon payment of twenty year's purchase, and parties to be permitted to redeem the same by any number of instalments, not exceeding four, upon the payment of not less at any one time than five years amount of Quit Rent, the same proportion of the Quit Rent to cease. In case, however, the parties should fail regularly to pay the remainder of the Quit Rent the same to be deducted from the instalment paid, and the Land to be resold by Auction whenever the instalment may be absolved by the accruing payment of the remainder of the Quit Rents.

THAT Public Notice should be given in each District in every year, stating the names of the persons in each District who may be in arrear, either for the instalments of their purchase, or for Quit Rents, and that if the arrears are not paid up before the commencement of the Sales in that District for the following years, that the Lands in respect of which the instalments or Quit Rents may be due will be the first Lot to be exposed to Auction at the ensuing Sales, and if any surplus of the produce of the Sale of each Lot should remain, after satisfying the Crown for the sum due, the same will be paid to the original purchasers of the Land who made default in payment.

THAT no Land be granted at any other time than at the current sales in each District, except upon application from Poor Settlers who may not have been in the Colony more than Six Months preceding the last annual sale.

THAT Settlers so circumstanced may be permitted to purchase Land, not exceeding two hundred Acres each, at the price at which it may have been offered at the last annual sale, and not purchased, and may pay for the same, or by Quit Rent computed at five per cent on the sale price, and thenceforth these persons shall be considered as entitled to all the privileges, and be subject to the same obligations, as they would have been subject to if they had purchased the Land at the last Sale.

IN cases of Settlers who shall be desirous of obtaining grants of Land in distinct Districts not Surveyed, or in Districts in which no unredeemable grant shall have been made, you will, under the authority of the Governor, at any time within the period of seven years from the date hereof, grant permission of occupancy to any such Settlers for Lots of Land, not exceeding two hundred Acres, upon condition that they shall pay a Quit Rent for the same equal to five per cent upon the estimated value of the Land at the time such occupancy shall be granted, and the persons to whom claim or occupation may be made shall have liberty to redeem such Quit Rent at any time before the expiration of the seven years, upon the payment of twenty years purchase of the amount, and at any time after the termination of the seven years upon the payment of any arrears of Quit Rent which may be then due, and twenty years purchase of the Annual amount of the Rent.

THAT no Patent shall be granted until the whole of the Purchase Money shall have been paid; nor any transfer of the Property made, except in case of death, until the whole of the arrears of the Instalments or Quit Rent shall have been paid.

THAT the Purchase Money for all Lands, as well as the Quit Rents, shall be paid to you, or to such persons as you may appoint, at the times and places to be named in the condition of the Sale.

YOU will give public notice, that you have received Instructions to apply to all persons holding Lands from the Crown in perpetuity, upon the payment of Quit Rents, as well as to all

persons holding Lands upon lease for term of years, for payment of the rents which may be due from them respectively, to commence from the first of January, 1827; and you will, at any time within seven years from the date hereof, sell to the proprietor, at twenty years purchase, any Lands held in free and common socage (but to no other person whatever), any Quit Rent which may be payable by them respectively, provided that all arrears up to the end of the year preceding the time of purchase be previously paid.

If these Quit Rents are not purchased by the proprietor within the period of seven years from the date hereof, further instructions will be given in regard to the Sale by Public Auction, or otherwise as may then be deemed expedient.

With respect to the Lands upon Lease for terms of years, you are desired on no account to Sell the same by Public Auction if the Rent is not more than two years in arrear until the termination of the Lease, but if the Rent is more than two years in arrear, and if according to the terms of the Lease the same is void in consequence of the non-payment of the Rent, you are at liberty to submit to the Governor, or Officer Administering the Government, that any such Lots should be sold. If, however, previously to the Sale the Rent is paid up, you will withdraw the same from the Sale, and you will at any time sell to the Lessee of such Lands as may be held under Lease, at such price as the Governor, or Officer Administering the Government, may upon your recommendation approve of, the Land so held, all arrears of Rent being in every case paid up to the end of the year preceding the Sale, but in no case at less than twenty years purchase of the Rent.

You will on the first January and first July in every year render a complete account of all your Sales within the preceding half year to the Auditor of Provincial Accounts, specifying the conditions upon which each Lot is sold, and you will at the same period render a complete Cash account of the money received and expended by you within the same period, carrying forward to each account any balance which may remain in your hands at the date of the preceding account. And you will on the first January, first April, first July and first October, in each year, pay over to the Receiver General of the Province any sum which may on those days respectively be in your hands over and above the sum of £500 which you are permitted to retain for future contingent expenses.

You will not charge the Salary and remuneration to which you are entitled under your Commission in your accounts, but you will receive the same Annually by Warrant of the Governor out of the Treasury, which you may have paid into the hands of the Receiver of the Province in the preceding year.

You are authorized to incur and defray such contingent expenses for Authorities, Clerks, Treasurer and Receiver of Rents, Office Rent, &c. as you may find absolutely necessary, and as the Governor, or Officer Administering the Government, may sanction and approve, provided, however, that the whole of such contingent expenses shall not exceed one-sixth part of the money to be received by you under His Majesty's Commission and these our Instructions.

THAT you do transmit to Us, or to the Commissioners of the Treasury for the time being, copies of the half yearly accounts which you may render to the Auditor of Provincial Accounts in Canada, and that the same be transmitted by the first direct conveyance which may offer, after the periods they are respectively rendered.

THAT in the execution of the Duties of the said Office you do obey all such orders and directions as you may from time to time receive from Us, or the Commissioners of the Treasury for the time being, or from any one of His Majesty's Principal Secretaries of State, or from the Governor, or Officer Administering the Government.

Whitehall, Treasury Chambers, }
the 18th day of July, 1827. }

(Signed)

MACNAGHTEN,
J. LEVESON GOWER,
ELIOT.

Instructions to PETER ROBINSON, Esquire, Commissioner for the Sale and Management of Crown Lands in the Province of Upper Canada.

*Peter Robinson
John Macnaghten
Sir J. Leveson Gower
Eliot*